

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHAEL H. FITZPATRICK,)	
TRUSTEE,)	
)	
Plaintiff,)	
)	
v.)	No. 3:17-CV-257
)	
)	
LAW SOLUTIONS CHICAGO, LLC,)	
<i>et al.</i> ,)	
)	
Defendants.)	

MICHAEL H. FITZPATRICK,)	
TRUSTEE,)	
)	
Plaintiff,)	
)	
v.)	No. 3:17-CV-258
)	
)	
LAW SOLUTIONS CHICAGO, LLC,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

These two consolidated cases before the Court were brought by Michael H. Fitzpatrick as bankruptcy trustee for the estates of Annette Harris Haynes and Pamela Jo Hagstom. The causes of action brought against the defendants include: (1) the unauthorized practice of law; (2) negligence per se; (3) professional negligence; and (4) fraud.¹ The defendants in these lawsuits

¹ The plaintiff on behalf of Pamela Jo Hagstom does not bring a cause of action for fraud.

include Law Solutions Chicago, LLC d/b/a UpRight Law LLC (“UpRight Law”) and its employees.² Further, the plaintiffs invoke this Court’s jurisdiction of these claims under 28 U.S.C. §§ 157 and 1334, asserting they “are related to, arise in, and arise under the pending Chapter 7 bankruptcy case[s].” [See case number 3:17-CV-257, Doc. 1 at ¶¶ 1 and 3; case number 3:17-CV-258, Doc. 1 at ¶¶ 1 and 3].

Although this Court has original jurisdiction over all cases “arising in or related to cases under title 11,” this Court is not required to exercise such jurisdiction. See 28 U.S.C. § 1334. Rather, a district court may “in the interest of justice, or in the interest of comity with State courts or respect for State law, [] abstain[] from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11.” 28 U.S.C. § 1334(c)(1).

All of the causes of action asserted by the plaintiffs in these two cases are uniquely state law claims. Also, there is no independent basis for this Court’s exercise of jurisdiction over these cases; this Court’s jurisdiction arises solely under 28 U.S.C. § 1334. For these reasons, and others, the Court is considering abstaining from hearing these consolidated cases.

Therefore, it is hereby ORDERED that the parties shall brief the Court regarding their position on the issue of this Court’s abstaining from hearing these cases. Specifically, a single joint brief filed on behalf of both plaintiffs shall be filed, and a single joint brief filed on behalf of all named defendants shall be filed. The parties’ briefs shall be filed on or before January 11, 2018.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

² The other named defendants in each of the cases are either non-attorney staff members of UpRight Law, or licensed attorneys affiliated with UpRight Law.